

IFW

PATENT
450100-03060.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Helmut Lucke
Serial No. : 10/791,167 (Correct Serial No. 10/785,246)
For : SPEECH RECOGNITION APPARATUS, SPEECH
RECOGNITION METHOD, AND RECORDING MEDIUM
Filed : February 24, 2004



745 Fifth Avenue
New York, NY 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 10, 2004

William S. Frommer, Reg. No. 25,506

(Name of Applicant, Assignee or Registered Representative)

Signature

August 10, 2004

Date of Signature

RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

Mail Stop : Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

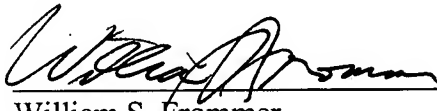
This communication is in response to the Notice of Incomplete Application dated July 20, 2004, a copy of which is enclosed.

The above-mentioned application, which is a continuation of Application Serial No. 09/804,354, filed on February 24, 2004, was assigned TWO Serial Numbers, i.e., Serial Number

10/791,167 and Serial Number 10/785,246, as evidenced by the postcard return receipts, copies of which are also enclosed. However, as is obvious, the postcard bearing Serial Number 10/791,167, is merely for a Petition for the Extension of Time, and should never have been assigned a Serial Number. The correct Serial Number assigned to the above Application is 10/785,246, for which a Filing Receipt issued on May 19, 2004; hence, the application is complete.

It is believed that Application Serial Number 10/791,167 issued in error and should therefore be invalidated.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
William S. Frommer
Reg. No. 25,506
(212) 588-0800

Petition for an
Extension of Time
for serial No.
09/804,354

Serial No. 09/804,354 File No. 450100-03060.1 By GK/TK
 Title in the Matter of the Application of Lucko et al.
 Applicant(s)/Inventor(s)
 The following due 2/25/04 in the U.S. Patent Office, was received in the Patent Office
☐ Affidavit ☐ Declaration
☐ Amendment
☐ Preliminary Amendment
☐ Amendment After Final Rejection
☐ Request for Extension of Time
☐ Provisional Patent Application
☐ Application for Patent, including
 44 Pages Specification 8 Claims X Abstract
☐ Declaration ☐ Oath ☐ Power
☒ Request for Filing Continuation or Divisional Application 2 sheets (COPY)
☐ PCT Request sheets, including
☐ Transmittal Letter
☐ Request for Continued Exam (RCE)
☐ Assignment ☐ Recordation Cover Sheet
☐ Amendment Fee Transmittal
☐ Claim of Priority
☐ Request for Approval of Drawings
☐ Diskette with Sequence Listing
☒ Express Mail Mailing Label # EV 385418249US
☒ Check No. 030594 for \$ 770.00
☐ (separate sheet)
☐ Deposit Account Order Form
☒ Drawing 7 Sheet(s)
☒ Information Disclosure Statement
☒ PTO Form 1449
☐ Issue Fee/Publication Fee Transmittal
☐ Appeal Brief (triplicate) ☐ Letter
☐ Application for TM Registration
 Including Specimens
☐ Status Request ☐ Notice of Appeal (triplicate)
☐ Petition ☐ Response
☐ Priority Document
☐ Statement of Use
☐ Response to Examiner's Statement
☐ Search Report
☐ Response to Notice to File Missing Parts
Patken for 3 month EOT

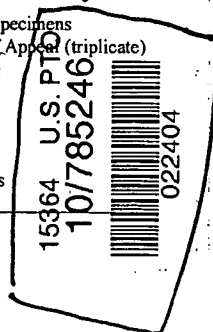
Mailed on 2/24/04

Continuation of

Serial No. 09/804,354 File No. 450100-03060.1 By GK/TK
 Title in the Matter of the Application of Lucko et al.
 Applicant(s)/Inventor(s)
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☐ Appeal Brief (triplicate) ☐ Letter
☐ Application for TM Registration
 Including Specimens
☐ Status Request ☐ Notice of Appeal (triplicate)
☐ Petition ☐ Response
☐ Priority Document
☐ Statement of Use
☐ Response to Examiner's Statement
☐ Search Report
☐ Response to Notice to File Missing Parts
☐

Mailed on 2/24/04

New Application -





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/791,167	02/24/2004	Helmut Lucke	450100-03060.1

FROMMER LAWRENCE & HAUG, LLP.
 10TH FLOOR
 745 FIFTH AVENUE
 NEW YORK, NY 10151

CONFIRMATION NO. 8770

FORMALITIES LETTER



OC000000013284163

Date Mailed: 07/20/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification is missing.
- The specification does not include at least one claim.
A complete specification as prescribed by 35 U.S.C. 112 is required.
- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$770** for a Large Entity

- **\$770** Statutory basic filing fee.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

PASANTOS

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE